

# **2013 DRAFTING REQUEST**

## **Bill**

Received: **12/19/2012** Received By: **chanaman**  
 Wanted: **As time permits** Same as LRB:  
 For: **Frederick Kessler (608) 266-5813** By/Representing: **himself and Rick**  
 May Contact: Drafter: **chanaman**  
 Subject: **Criminal Law - guns and weapons** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Kessler@legis.wisconsin.gov**  
 Carbon copy (CC) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

Ban assault rifles

## **Instructions:**

See attached-- see CA law

## **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 12/21/2012	scalvin 1/11/2013	phenry 1/14/2013	_____			
/P1	chanaman 2/8/2013	scalvin 2/8/2013	jfrantze 2/8/2013	_____	sbasford 1/14/2013		Crime
/1				_____	mbarman 2/8/2013	mbarman 2/8/2013	Crime

FE Sent For:

→ Not Needed

<END>

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/P1		/1 sac 02/08/2013	 2/9	_____	sbasford 1/14/2013		Crime

FE Sent For:

<END>

*Please  
Jacket  
for  
Assembly*

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1/?	chanaman	1/11/13 SAC	1/11/13 ph	1/14/13 ph	gr		

FE Sent For:

<END>



Tues  
1/15  
(per CMH)



LRB-0895/P1  
CMH:.....  
sue

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1

*1 gun cut*  
**AN ACT ...; relating to: ban on assault weapons/** *and large-capacity magazines* **and providing a penalty.**

---

***Analysis by the Legislative Reference Bureau***

Generally, current law does not prohibit the possession, sale, or transfer of an assault weapon. This bill bans the transportation, purchase, possession, or transfer of an assault weapon and specifically defines "assault weapon" for the purpose of the ban. Under the bill, whoever transports, purchases, possesses, or transfers an assault weapon is guilty of a felony and may be fined up to \$10,000, sentenced to a term of imprisonment of up to six years, or both; if the crime is committed in a school zone, the maximum term of imprisonment is increased by five years. This ban does not apply to the transportation, purchase, possession, or transfer of an assault weapon that is rendered permanently inoperative, to any peace officer or armed forces or military personnel while on official duty, to a licensed importer or manufacturer of assault weapons, or to a firearms dealer who is authorized to sell assault weapons.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

2

*x*  
**SECTION 1.** 165.70 (1) (b) of the statutes is amended to read:

1           165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
2           940.20 (3), 940.201, 941.25 to 941.27, 941.285, 943.01 (2) (c), 943.011, 943.27, 943.28,  
3           943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075,  
4           and 948.08.

History: 1971 c. 40, 211, 307; 1973 c. 156; 1975 c. 39; 1977 c. 173 s. 168; 1977 c. 215, 260; 1977 c. 272 s. 98; 1985 a. 29; 1987 a. 332; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 448; 1997 a. 27, 143; 1999 a. 83; 2001 a. 109; 2003 a. 33; 2011 a. 32.

5           **SECTION 2. 938.78 (3) of the statutes is amended to read:**

6           **938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile  
7           adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need  
8           of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,  
9           or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,  
10          or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,  
11          941.285, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,  
12          943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,  
13          948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped  
14          from a juvenile correctional facility, residential care center for children and youth,  
15          inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile  
16          portion of a county jail, or from the custody of a peace officer or a guard of such a  
17          facility, center, or jail, or has been allowed to leave a juvenile correctional facility,  
18          residential care center for children and youth, inpatient facility, juvenile detention  
19          facility, or juvenile portion of a county jail for a specified time period and is absent  
20          from the facility, center, home, or jail for more than 12 hours after the expiration of  
21          the specified period, the department or county department having supervision over  
22          the juvenile may release the juvenile's name and any information about the juvenile  
23          that is necessary for the protection of the public or to secure the juvenile's return to  
24          the facility, center, home, or jail. The department shall promulgate rules

1 establishing guidelines for the release of the juvenile's name or information about  
2 the juvenile to the public.

**History:** 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997 a. 205, 207, 283; 1999 a. 9; 2001 a. 38, 59, 109; 2003 a. 292, 321; 2005 a. 25, 277, 293, 344, 406, 434; 2007 a. 20 ss. 3834, 9121 (6) (a); 2007 a. 97; 2009 a. 79, 122, 338; 2011 a. 32, 270.

3 **SECTION 3. 939.632 (1) (e) 1. of the statutes is amended to read:**

4 **939.632 (1) (e) 1.** Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
5 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
6 941.20, 941.21, 941.285, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
7 or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085,  
8 or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

**History:** 1995 a. 22; 2001 a. 109; 2005 a. 277; 2007 a. 16, 127; 2009 a. 180, 302.

9 **SECTION 4. 941.285 of the statutes is created to read:**

10 **941.285 Possession of assault weapons. (1)** In this section:

11 (a) "Assault weapon" means any of the following:

12 1. A semiautomatic, center-fire, or pump-action rifle that has the capacity to  
13 accept a detachable magazine and has any of the following:

14 a. A pistol grip.

15 b. A folding, telescoping, or thumbhole stock.

16 c. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

17 d. A shroud that is attached to, or partially or completely encircles, the barrel,  
18 but excluding a slide that encloses the barrel.

19 e. A muzzle brake or muzzle compensator.

20 f. A grenade launcher or a flare launcher.

21 g. A flash suppressor.

22 h. A forward pistol grip.

23 2. A semiautomatic pistol, or any semiautomatic, centerfire rifle with a fixed  
24 magazine, that has the capacity to accept more than 10 rounds of ammunition.

1           3. A semiautomatic, centerfire rifle that has an overall length of less than 30  
2 inches.

3           4. A semiautomatic pistol that has the capacity to accept a detachable  
4 magazine and has any of the following:

5           a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip,  
6 or silencer.

7           b. A folding, telescoping, or thumbhole stock.

8           c. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

9           d. A shroud that is attached to, or partially or completely encircles, the barrel,  
10 but excluding a slide that encloses the barrel.

11          e. A muzzle brake or muzzle compensator.

12          5. A semiautomatic shotgun that has any of the following:

13          a. A pistol grip, thumbhole stock, or vertical handgrip and a folding or  
14 telescoping stock.

15          b. A fixed magazine capacity in excess of 5 rounds.

16          c. An ability to accept a detachable magazine.

17          6. A shotgun with a revolving cylinder.

18          7. A conversion kit or parts from which an assault weapon can be assembled  
19 if all of the kit or parts are in the control of the same person.

20          (am) "Detachable magazine" means any ammunition feeding device, the  
21 function of which is to deliver one or more ammunition cartridges into the firing  
22 chamber, that can be removed from the firearm without any tool, ~~bullet~~, or  
23 ammunition cartridge.

24          (b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).



1 (c) 1. "Large-capacity magazine" means any ammunition feeding device that  
2 has the capacity to accept more than 10 rounds.

3 2. "Large-capacity magazine" does not include any of the following:

4 a. A 22-caliber tube ammunition feeding device.

5 b. A tubular magazine that is contained in a lever-action firearm.

6 (cg) "Muzzle brake" means a device that is attached to the muzzle of a weapon  
7 and that uses escaping gas to reduce recoil.

8 (cr) "Muzzle compensator" means a device that is attached to the muzzle of a  
9 weapon and that uses escaping gas to control muzzle movement.

10 (d) "Rifle" has the meaning given in s. 941.28 (1) (a).

11 (e) "Semiautomatic" means that the firearm is a repeating firearm that  
12 requires a separate pull of the trigger to fire each cartridge and that uses a portion  
13 of the energy of a firing cartridge to extract the fired cartridge case and to place  
14 another unfired cartridge into the chamber.

15 (f) "Shotgun" has the meaning given in s. 941.28 (1) (d).

16 (2) Whoever manufactures, transports, purchases, possesses, goes armed with,  
17 or sells or otherwise transfers possession of an assault weapon is guilty of a Class H  
18 felony.

19 (2m) Whoever manufactures, transports, purchases, possesses, or sells or  
20 otherwise transfers possession of a large-capacity magazine is guilty of a Class H felony.

21 (3) Subsections (2) and (2m) do not apply to any of the following:

22 (a) The transportation, purchase, possession, sale, or transfer of an assault  
23 weapon or large-capacity magazine modified to render it permanently inoperative.

24 (b) Any law enforcement officer while on official duty.

25 (c) Any armed forces or military personnel while on official duty.

1 (d) The possession of an assault weapon or large-capacity magazine by any  
2 licensed importer or manufacturer under 26 USC 5801 to 5872 authorized to import  
3 or manufacture that assault weapon or large-capacity magazine.

4 (e) The possession of an assault weapon or large-capacity magazine under any  
5 of the following conditions by a firearms dealer authorized to sell assault weapons  
6 or large-capacity magazines:

7 1. Transporting an assault weapon or large-capacity magazine to another  
8 firearms dealer authorized to sell assault weapons or large-capacity magazines.

9 2. Transporting an assault weapon or large-capacity magazine to and  
10 displaying the assault weapon or large-capacity magazine at a gun show.

11 **SECTION 5.** 946.82<sup>X</sup>(4) of the statutes is amended to read:

12 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
13 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
14 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
15 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
16 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
17 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
18 (3), 941.26, 941.28, 941.285, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g),  
19 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)  
20 (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28,  
21 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and  
22 (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82,  
23 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e),  
24 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10,

1 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65,  
2 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

**History:** 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 236 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 252; 1999 a. 9, 150; 2001 a. 16, 105, 109; 2003 a. 36, 321; 2005 a. 212; 2007 a. 116, 196; 2009 a. 180; 2011 a. 174.

3 **SECTION 6.** 969.08 (10) (b) of the statutes is amended to read:

4 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),  
5 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
6 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
7 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
8 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.285, 941.30,  
9 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,  
10 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88,  
11 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,  
12 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a  
13 financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

**History:** 1971 c. 298; 1977 c. 449; 1979 c. 112; 1981 c. 183; 1985 a. 293 s. 3; 1987 a. 90, 332, 399, 403; 1991 a. 153, 269; 1993 a. 50, 92, 94, 227, 441, 445, 491; 1997 a. 143, 180, 295; 1999 a. 32; 2001 a. 109; 2005 a. 212, 277; 2007 a. 97, 116.

14

(END)

## Hanaman, Cathlene

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**From:** Tenuta, Christina  
**Sent:** Thursday, February 07, 2013 5:33 PM  
**To:** Hanaman, Cathlene  
**Subject:** Jacket LRB-0894 and 0895

Dear Attorney Hanaman:

Rep. Kessler has asked that **LRB-0894**, relating the banning of hollow-point bullets, be jacketed without any further edits. Rep. Mandela Barnes will be the lead sponsor of this bill and Rep. Kessler will be a co-sponsor.

Additionally, Rep. Kessler would like **LRB-0895** jacketed, with Rep. Kessler listed as the lead sponsor. This bill relates to the banning of assault weapons. The only edit to the preliminary version of this bill is to change the definition of "Large-capacity magazine" is Sec. 7 (c) in 0895 (P. 6, Line 4-5). Specifically, "10 rounds" should be reduced to "seven rounds."

Please let me know if I can provide any further information.

Thank you for your help.

Christina M. Tenuta, J.D.  
Office of Wisconsin State Representative Frederick P. Kessler  
608-266-5813



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0895/P1

CMH:sac:ph

Today

change on page 5

PB

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

revised

- 1 AN ACT *to amend* 165.70 (1) (b), 938.78 (3), 939.632 (1) (e) 1., 946.82 (4) and  
2 969.08 (10) (b); and *to create* 941.285 of the statutes; **relating to:** ban on  
3 assault weapons and large-capacity magazines and providing a penalty.

---

*Analysis by the Legislative Reference Bureau*

Generally, current law does not prohibit the possession, sale, or transfer of an assault weapon. This bill bans the transportation, purchase, possession, or transfer of an assault weapon and specifically defines "assault weapon" for the purpose of the ban. Under the bill, whoever transports, purchases, possesses, or transfers an assault weapon is guilty of a felony and may be fined up to \$10,000, sentenced to a term of imprisonment of up to six years, or both; if the crime is committed in a school zone, the maximum term of imprisonment is increased by five years. This ban does not apply to the transportation, purchase, possession, or transfer of an assault weapon that is rendered permanently inoperative, to any peace officer or armed forces or military personnel while on official duty, to a licensed importer or manufacturer of assault weapons, or to a firearms dealer who is authorized to sell assault weapons.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 165.70 (1) (b) of the statutes is amended to read:

165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 941.285, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.

**SECTION 2.** 938.78 (3) of the statutes is amended to read:

938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.285, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the expiration of

1 the specified period, the department or county department having supervision over  
2 the juvenile may release the juvenile's name and any information about the juvenile  
3 that is necessary for the protection of the public or to secure the juvenile's return to  
4 the facility, center, home, or jail. The department shall promulgate rules  
5 establishing guidelines for the release of the juvenile's name or information about  
6 the juvenile to the public.

7 **SECTION 3.** 939.632 (1) (e) 1. of the statutes is amended to read:

8 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
9 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,  
10 941.20, 941.21, 941.285, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)  
11 or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08, 948.085,  
12 or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

13 **SECTION 4.** 941.285 of the statutes is created to read:

14 **941.285 Possession of assault weapons.** (1) In this section:

15 (a) "Assault weapon" means any of the following:

16 1. A semiautomatic, center-fire, or pump-action rifle that has the capacity to  
17 accept a detachable magazine and has any of the following:

- 18 a. A pistol grip.  
19 b. A folding, telescoping, or thumbhole stock.  
20 c. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.  
21 d. A shroud that is attached to, or partially or completely encircles, the barrel,  
22 but excluding a slide that encloses the barrel.

23 e. A muzzle brake or muzzle compensator.

24 f. A grenade launcher or a flare launcher.

25 g. A flash suppressor.

1 h. A forward pistol grip.

2 2. A semiautomatic pistol, or any semiautomatic, centerfire rifle with a fixed  
3 magazine, that has the capacity to accept more than 10 rounds of ammunition.

4 3. A semiautomatic, centerfire rifle that has an overall length of less than 30  
5 inches.

6 4. A semiautomatic pistol that has the capacity to accept a detachable  
7 magazine and has any of the following:

8 a. A threaded barrel capable of accepting a flash suppressor, forward handgrip,  
9 or silencer.

10 b. A folding, telescoping, or thumbhole stock.

11 c. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

12 d. A shroud that is attached to, or partially or completely encircles, the barrel,  
13 but excluding a slide that encloses the barrel.

14 e. A muzzle brake or muzzle compensator.

15 5. A semiautomatic shotgun that has any of the following:

16 a. A pistol grip, thumbhole stock, or vertical handgrip and a folding or  
17 telescoping stock.

18 b. A fixed magazine capacity in excess of 5 rounds.

19 c. An ability to accept a detachable magazine.

20 6. A shotgun with a revolving cylinder.

21 7. A conversion kit or parts from which an assault weapon can be assembled  
22 if all of the kit or parts are in the control of the same person.

23 (am) "Detachable magazine" means any ammunition feeding device, the  
24 function of which is to deliver one or more ammunition cartridges into the firing



1 chamber, that can be removed from the firearm without any tool, bullet, or  
2 ammunition cartridge.

3 (b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

4 (c) 1. "Large-capacity magazine" means any ammunition feeding device that  
5 has the capacity to accept more than ~~10~~<sup>7</sup> rounds.

6 2. "Large-capacity magazine" does not include any of the following:

7 a. A 22-caliber tube ammunition feeding device.

8 b. A tubular magazine that is contained in a lever-action firearm.

9 (cg) "Muzzle brake" means a device that is attached to the muzzle of a weapon  
10 and that uses escaping gas to reduce recoil.

11 (cr) "Muzzle compensator" means a device that is attached to the muzzle of a  
12 weapon and that uses escaping gas to control muzzle movement.

13 (d) "Rifle" has the meaning given in s. 941.28 (1) (a).

14 (e) "Semiautomatic" means that the firearm is a repeating firearm that  
15 requires a separate pull of the trigger to fire each cartridge and that uses a portion  
16 of the energy of a firing cartridge to extract the fired cartridge case and to place  
17 another unfired cartridge into the chamber.

18 (f) "Shotgun" has the meaning given in s. 941.28 (1) (d).

19 (2) Whoever manufactures, transports, purchases, possesses, goes armed with,  
20 or sells or otherwise transfers possession of an assault weapon is guilty of a Class H  
21 felony.

22 (2m) Whoever manufactures, transports, purchases, possesses, or sells or  
23 otherwise transfers possession of a large-capacity magazine is guilty of a Class H  
24 felony.

25 (3) Subsections (2) and (2m) do not apply to any of the following:

1 (a) The transportation, purchase, possession, sale, or transfer of possession of  
2 an assault weapon or large-capacity magazine modified to render it permanently  
3 inoperative.

4 (b) Any law enforcement officer while on official duty.

5 (c) Any armed forces or military personnel while on official duty.

6 (d) The possession of an assault weapon or large-capacity magazine by any  
7 licensed importer or manufacturer under 26 USC 5801 to 5872 authorized to import  
8 or manufacture that assault weapon or large-capacity magazine.

9 (e) The possession of an assault weapon or large-capacity magazine under any  
10 of the following conditions by a firearms dealer authorized to sell assault weapons  
11 or large-capacity magazines:

12 1. Transporting an assault weapon or large-capacity magazine to another  
13 firearms dealer authorized to sell assault weapons or large-capacity magazines.

14 2. Transporting an assault weapon or large-capacity magazine to and  
15 displaying the assault weapon or large-capacity magazine at a gun show.

16 **SECTION 5.** 946.82 (4) of the statutes is amended to read:

17 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
18 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
19 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
20 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
21 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
22 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
23 (3), 941.26, 941.28, 941.285, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g),  
24 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)  
25 (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28,

1 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and  
2 (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82,  
3 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e),  
4 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10,  
5 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65,  
6 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

7 **SECTION 6.** 969.08 (10) (b) of the statutes is amended to read:

8 969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),  
9 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
10 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
11 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
12 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.285, 941.30,  
13 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,  
14 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88,  
15 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,  
16 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a  
17 financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

18 (END)